

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

WAL-MART STORES, INC.

and

Case 12-CA-171540

FERY DELVA

ORDER¹

The Employer's petition to revoke subpoena duces tecum B-737402 is denied. The subpoena seeks information relevant to the matter under investigation and describes with sufficient particularity the evidence sought, as required by Section 11(1) of the Act and Section 102.31(b) of the Board's Rules and Regulations.² Further, the Employer has failed to establish any other legal basis for revoking the subpoena. See generally *NLRB v. North Bay Plumbing, Inc.*, 102 F.3d 1005 (9th Cir. 1996); *NLRB v. Carolina Food Processors, Inc.*, 81 F.3d 507 (4th Cir. 1996).

Dated, Washington, D.C., August 18, 2016.

MARK GASTON PEARCE,	CHAIRMAN
PHILIP A. MISCIMARRA,	MEMBER
LAUREN McFERRAN,	MEMBER

¹ The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

² In its opposition brief, the Region clarified that the subpoena's request for "documents which the Employer relied upon in the decision to discipline and discharge Fery Delva" seeks not only documents regarding the Employer's decision to discharge Delva but also documents regarding its decision to issue prior disciplines to him. (Opp. at 5.) In addition, the Region clarified that for the purposes of this subpoena, "employer" refers to the Employer and its "accountants, investigators, agents, and persons directly employed by it, including its attorneys, parent, subsidiary, and related entities, and anyone else subject to its control." (Id. at 6.) In considering the petition to revoke, we have evaluated the subpoena in light of these clarifications.